



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Health Care Authority (HCA) – Public Employees' Benefits Board
Administrative Order #06-08

☒ Permanent Rule
☐ Emergency Rule

Effective date of rule:

Permanent Rules

☒ 31 days after filing.
☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

☐ Immediately upon filing.
☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose: The purpose of amending the existing rule is to implement provisions of Chapter 345, Laws of 2006, which changed the eligibility criteria for surviving dependents of emergency service personnel killed in the line of duty to include survivors of emergency service employees who were killed in the line of duty prior to January 1, 1998.

Citation of existing rules affected by this order:

Repealed:
Amended: WAC 182-12-250
Suspended:

Statutory authority for adoption: RCW 41.05.160

Other authority : RCW 41.05.080

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 06-16-107 on August 1, 2006

Describe any changes other than editing from proposed to adopted version: There are no changes

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☐ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted:

October 3, 2006

NAME (TYPE OR PRINT)

Beth Dupre

SIGNATURE

TITLE

Deputy Administrator

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

OCT 3 2006

TIME

WSR

1258
06-20-099

AM
PM

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	<u>1</u>	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	<u>1</u>	Repealed	_____

WAC 182-12-250 Insurance eligibility for surviving dependents of emergency service personnel killed in the line of duty. Surviving dependents of emergency service personnel who ~~((were))~~ are killed in the line of duty ~~((on or after January 1, 1998,))~~ are eligible ~~((to participate in))~~ for health plan coverage administered by the HCA.

(1) This section applies to the dependents of emergency service personnel "killed in the line of duty" as determined ~~((consistent with Title 51 RCW))~~ by the Washington state department of labor and industries.

(2) "Emergency service personnel" means law enforcement officers~~((,))~~ and fire fighters as defined in RCW 41.26.030, and reserve officers~~((,))~~ and fire fighters as defined in RCW ~~((41.26.030 and))~~ 41.24.010.

(3) "Surviving dependent" means:

(a) A lawful spouse ~~((or))~~;

(b) An ex-spouse as defined in RCW 41.26.162; ((and

~~((b)))~~ (c) Dependent children. The term "children" includes the following unmarried ((natural children, stepchildren and legally adopted)) children of the emergency service worker who are: Under the age of twenty or under the age of twenty-four ((for)) if he or she is a dependent student attending high school or registered at an accredited secondary school, college, university, vocational school, or school of nursing. Disabled dependents as defined in RCW 41.26.030(7) are eligible at any age. "Children" are defined as:

(i) Biological children (including the emergency service worker's posthumous children);

(ii) Stepchildren; and

(iii) Legally adopted children.

(4) ~~((Premium rates will be subsidized consistent with rates established by PEBB for non Medicare retirees under RCW 41.05.022 and for Medicare-entitled retirees under RCW 41.05.085.~~

~~((5)))~~ Surviving dependents ~~((that))~~ who are entitled to Medicare((entitled)) must enroll in both parts A and B of Medicare.

~~((6)))~~ (5) The surviving dependent must send a completed enrollment ~~((application))~~ form (to either enroll or defer public employees' benefits board (PEBB) coverage) to PEBB benefits services department no later than ((sixty)) one hundred eighty days after the latter of:

(a) The death of the emergency service worker;

(b) The date on the letter from the department of retirement systems or the board for volunteer fire fighters and

reserve officers that informs the survivor that he or she is determined to be an eligible survivor;

(c) The last day ~~((of))~~ the surviving dependent was covered under any ~~((coverage extended by the employing agency of))~~ health plan through the emergency service ~~((employee who died in the line of duty))~~ worker's employer; or

~~((b))~~ (d) The last day ~~((of coverage extended through))~~ the surviving dependent was covered under the Consolidated Omnibus Budget Reconciliation Act (COBRA) coverage from ~~((any employing agency))~~ the emergency service worker's employer.

(6) Survivors that do not choose to defer PEBB coverage may choose among the following options for when their PEBB coverage will begin:

(a) June 1, 2006, for survivors whose enrollment form is received by PEBB benefit services no later than September 1, 2006;

(b) The first of the month that is no more than sixty days before the date that PEBB benefit services receives the enrollment form (for example, if PEBB benefit services receives the enrollment form on August 29, the survivor may request coverage to begin on July 1); or

(c) The first of the month after the date that PEBB benefit services receives the enrollment form.

For surviving dependents who enroll, monthly premiums for PEBB health plan coverage must be paid by the survivor except as provided in RCW 41.26.510(5).

(7) Surviving dependents must choose one of the following two options ~~((for maintaining))~~ to maintain eligibility for ~~((participation under))~~ PEBB health plan coverage:

(a) Enroll in PEBB health plan coverage:

(i) ~~((Enrollment))~~ Enroll in ~~((the))~~ medical ~~((portion of PEBB health plan))~~ coverage ~~((is required.))~~; or

(ii) ~~((Enrollment in the dental portion of PEBB health plan coverage is optional. Once enrolled in))~~ Enroll in medical and dental coverage.

(iii) The ~~((person))~~ dependent must ~~((maintain enrollment))~~ stay enrolled in dental coverage for ~~((a minimum of))~~ at least two years before dental coverage can be dropped.

~~((iii))~~ (iv) Dental only coverage is not ~~((available))~~ an option.

(b) Defer enrollment:

(i) Surviving dependents may defer enrollment in PEBB health plan coverage if they are enrolled in ~~((employer sponsored))~~ comprehensive medical coverage through ~~((their employment))~~ an employer.

(ii) Surviving dependents may enroll in PEBB health plan coverage when ~~((their))~~ they lose employer ~~((sponsored))~~ coverage ~~((ends))~~. ~~((Proof of continuous enrollment))~~

Dependents will need to prove they were continuously enrolled in
((other)) comprehensive ((employer sponsored)) coverage ((must
be submitted with the application)) through an employer when
applying for ((enrollment to the HCA)) PEBB coverage, and apply
within sixty days after the date ((that)) their other coverage
ended.

((iii)) PEBB health plan coverage and premiums will begin the
first day of the month following the day that the other coverage
ended for dependents that reenroll.

((8)) ((Enrollees)) Surviving dependents may change their
health ((carrier selection)) plan during open enrollment. In
addition to open enrollment, ((enrollees)) they may change
health ((carriers)) plans if they move out of their health
((carrier's)) plan's service area or into a service area where a
health ((carrier)) plan that was not previously offered is now
available.

((9)) Surviving dependents may not add new dependents
acquired through birth, marriage, or establishment of a
qualified same-sex domestic partnership.

((10)) Surviving dependents will ((forfeit)) lose their right
to enroll in PEBB health plan coverage if they:

((a)) Do not ((make application)) apply to enroll or defer
PEBB ((before)) health plan coverage within the ((date
specified)) timelines stated in subsection ((46)) (5) of this
section; or

((b)) Do not maintain continuous enrollment in comprehensive
coverage through an employer ((sponsored medical coverage))
during the deferral period, as provided in subsection (7)(b)(i)
of this section.

[Statutory Authority: RCW 41.05.160 and 41.05.165. 04-18-039,
§ 182-12-250, filed 8/26/04, effective 1/1/05.]